

# Notice of Allowability

Application No.

10/050,709

Examiner

Sanza L McClendon

Applicant(s)

ATTARWALA ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/2001.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 18 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>2/02</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material      | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other  |

SAMUEL A. ACQUAH  
PRIMARY EXAMINER

GROUP 1700

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DETAILED ACTION

*Priority*

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

*Drawings*

2. The corrected or substitute drawings were received on 1/18/2001. These drawings are accepted.

*Allowable Subject Matter*

3. Claims 1-21 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art fails to teach an adhesive composition comprising: a) a at least one room-temperature flowable polymerizable compound; and b) a polymeric matrix selected from the groups consisting of urea-urethanes, hydroxy or amine-modified aliphatic hydrocarbons, polyester-amide based rheological additives and a combination thereof, and present in an amount sufficient to render said composition non-flowable at temperatures up to about 180 OF (82 OC) and wherein said composition is dispensable at room temperature without application of heat. The prior art teaches compositions, for instance, that comprise polymerizable compounds and urea-urethane polymers however, these fail to teach urea-urethanes being added in amounts that render the compositions non-flowable at temperatures up to 180 OF and where said composition is dispensable at room temperature without application of heat. The prior art fails to expressly teach and/or fairly suggest an article of manufacture comprising a) a dispensing container for housing and dispensing a non-flowable adhesive or sealant composition, wherein said container comprises a generally elongated hollow body

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having 1<sup>st</sup> and 2<sup>nd</sup> ends with one of said ends defines a dispense opening; b) a adhesive or sealant composition within said container comprising a) a at least one room-temperature flowable polymerizable compound; and b) a polymeric matrix selected from the groups consisting of urea-urethanes, hydroxy or amine-modified aliphatic hydrocarbons, polyester-amide based rheological additives and a combination thereof, and present in an amount sufficient to render said composition non-flowable at temperatures up to about 180 OF (82 OC) and wherein said composition is dispensable at room temperature without application of heat. The prior art teaches dispensing containers, such as lipstick tubes and deodorant tubes, however the prior art fail to teach a container comprising said composition as defined in claims 1 and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

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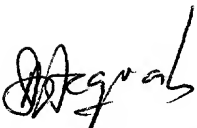
Sanza L McClendon

Examiner

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SMc

August 11, 2003

  
SAMUEL A. ACQUAH  
PRIMARY EXAMINER  
GROUP ~~1200~~ 1700